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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
CHAMBERS OF

JAN 16 2008

JUDGE SCHEINDLIN

BASIL FITZPATRICK, SOLE PROPRIETOR, d/b/a
ARTEMIS RECORDS

Plaintiff,

07 Civ. 2932 (SAS)

- against -

~~PROPOSED~~
SCHEDULING ORDER

SONY-BMG MUSIC ENTERTAINMENT, INC., RED
DISTRIBUTION, INC., SHERIDAN SQUARE
ENTERTAINMENT, INC., d/b/a/ ARTEMIS RECORDS,
DANNY GOLDBERG, SHERIDAN SQUARE
ENTERTAINMENT, LLC d/b/a/ ARTEMIS RECORDS,

Defendants,

WHEREAS, the Court issued an Order for a Conference in accordance with Fed.
R.Civ. P. 16(b) on _____ (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a
proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as
required by the Order:

- (1) The conference is set for January 16, 2008 at 2:30 p.m.; appearances are: Steven B. Lehat for Plaintiff; Steven K. Meier and Tinamarie Franzoni for Defendants.
- (2) Plaintiff asserts that Defendants failed to perform a settlement they signed with Plaintiff; that Defendants failure excuses Plaintiff from being bound by said settlement, and that Defendants have infringed Plaintiff's trademark.

Defendants assert that defendants have not infringed plaintiff's trademark; that by plaintiff's conduct and knowledge, he has waived any claims and/or rights to collect from defendants; that plaintiff's ability to recover against defendants is precluded and/or limited by his own culpable conduct; breach of agreement by Plaintiff; that Plaintiff's remedies, if any, are limited by the Sheridan Lawsuit

Settlement Agreement; Plaintiff's claims are barred by the applicable statute(s) of limitations;

(3) The parties submit the following scheduling order:

(a) Plaintiff intends to depose Danny Goldberg; the 30(b)(6) witness of Sheridan Square Acquisition, Inc.; the 30(b)(6) witness of Sheridan Square Entertainment, Inc.; the 30(b)(6) witness of Sheridan Square Entertainment, LLC; a corporate representative witness of Sony through its domestic subsidiary Red Distribution; a corporate representative witness of Sony International and a corporate representative witness of Bernard National Loan Investors, Ltd..

Defendant intends to depose Basil Fitzpatrick; Accountant of Plaintiff; Katherine Fitzpatrick; Faye Fitzpatrick; Michael Olsen; Adrian White;

(b) Initial discovery under Rule 26 of the FRCP shall be completed on or before February 12, 2008; the last date to add additional parties shall be May 23, 2008; the last date to amend pleadings shall be May 23, 2008.

(c) Expert reports will be supplied by December 18, 2008; expert depositions to be completed by January 20, 2008.

(d) Fact discovery is to be completed prior to ~~November 21~~ ^{June 30}, 2008.

(e) The date by which Plaintiff will supply its pre-trial order matters to Defendant is February 5, 2009.

(f) The date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial is February 16, 2009.

(g) The date of the pre-trial conference shall be:

July 10 at 4:30

- (4) All discovery shall be per code.
- (5) The parties have no known discovery disputes at this time.
- (6) Plaintiff will introduce expert testimony concerning
 - (a) damages, (b) custom and practice in the trade, (c) marketing.

Defendant will introduce expert testimony concerning:

- (a) damages, (b) custom and practice in the trade, (c) marketing, and (d) any other items raised by plaintiff's witness(s)
- I. The anticipated length of trial is six (6) day jury. Jury Trial is demanded.
- II. The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conferences when justice so requires;
- III. The names; addresses, phone numbers and signatures of counsel are as follows:

For Plaintiff:

Steven B. Lehat
895 Dove Street, Third Floor
Newport Beach, California 92660
Tel: (949) 786-6461

By: Steven B. Lehat (JS)
Steven B. Lehat, Esq. (CA 92798)

For Plaintiff:

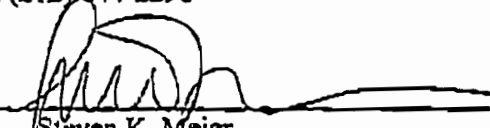
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By: [Signature]
John Smargiassi, Esq. (JS 3041)


For Defendant:

Steven K. Meier (SKM 1609)
Tinamarie Franzoni (TF0713)
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And Daniel Goldberg
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By:


Steven K. Meier
Tinamarie Franzoni

SO ORDERED:


The Honorable Shira A. Scheindlin
U.S. District Court Judge

1/16/08